

	Portales Police Department	SOP #	309.01
		Date Revised:	
	Standard Operating Procedure & Policy	PER. #	09.01-09.05
1700 N. Boston St. Portales NM, 88130	Disciplinary Procedures	Effective Date	
(575) 356-4404		Approval:	Pat Gallegos, Chief of Police

I. STATEMENT OF PURPOSE

It is the policy of the Portales Police Department to foster a program of discipline which defines the word "discipline" as "training or development through instruction," in order to provide a framework for the fair and consistent administration of discipline. This will enable the department to retain its discretionary authority for the "individualized" imposition of disciplinary action while ensuring a systematic and consistent administration of discipline to all personnel of the Portales Police Department.

II. OBSERVATION OF DEPARTMENT RULES

The Portales Police Department maintains a set of rules to encourage professional standards. Knowledge of the rules is imperative to produce an ethic in which all personnel of the department follow a code of conduct. All personnel shall observe rules, regulations, policies and procedures which have been set forth in the both the City of Portales Personnel Manual and the Department Rules and Regulations. The fair and impartial enforcement of the rules shall serve as a cornerstone for a professional police department.

The disciplinary and grievance systems are designed to provide fairness in resolving personnel problems. Personnel shall familiarize themselves with the procedures as outlined in the City of Portales Personnel Manual and the Department Rules and Regulations.

III. RESPONSIBILITY

- A. Support of the disciplinary system is a responsibility shared by all department personnel.
- B. Supervisor(s) are responsible to motivate, counsel, and train individuals toward self discipline. Supervisors are charged with the responsibility of initiating corrective action when violations are committed.
- C. Failure of a supervisor to immediately initiate corrective and/or disciplinary action against an employee for a violation of the rules and

regulations shall constitute dereliction of duty on the part of that supervisor.

- D. Sergeants/Supervisors have the authority to initiate disciplinary action on employees through the chain of command. All requests for disciplinary action must be made in writing with all documentation attached.
- E. Sergeants/Supervisors have the authority to relieve an employee from duty status pending review through the chain of command.
- F. Sergeants/Supervisors shall request the type of disciplinary action written reprimand, suspension, demotion, or termination

IV. SPECIAL PROCEDURES

- A. The Chief of Police may circumvent all formal disciplinary procedures to render an immediate decision when he deems it necessary to preserve the integrity of the Department.

V. PROBATIONARY EMPLOYEES ARE AT-WILL EMPLOYEES

- A. Employees who have not completed their probationary period have no right of appeal through the City Grievance Procedure.
- B. All new employees shall serve a probationary period of twelve months commencing with the first day of employment.
- C. In addition any employee who is promoted, demoted or otherwise transferred from one position to another position shall be on probation for a period of twelve months.

VI. TYPES OF DISCIPLINE

A. Performance Counseling for less Serious Infractions of Rules

- 1. Performance Counseling provides immediate disciplinary action against employees who fail to conform to certain departmental standards of conduct and appearance. This procedure does not require a subsequent investigation. Performance Counseling may be imposed within the employee's chain of command by an oral reprimand, performance counseling or utilize remedial training.
 - a. Oral reprimands will be documented by the supervisor.
 - b. A copy of performance counseling will be sent to the employee's Division Commander.
 - c. Supervisors will continuously monitor and document

officers performance, both positive and negative utilizing a log book.

2. Action under this section will not bar a recommendation for a more severe penalty by higher authority when it is felt that performance counseling is being used to cover a transgression warranting a more severe penalty.

B. Letters of Reprimand

1. When the recommended disciplinary action is a written reprimand, the employee's immediate Supervisor will prepare a request and send it up the chain of command to the Division Commander. The Division Commander will have the opportunity to write the letter or reprimand or refer it back to the Supervisor for informal review. If a letter of reprimand is written it will be addressed to the employee and contain the following information:
 - a. A brief description of the incident involving the employee.
 - b. The specific rules violated.
2. Written reprimands issued to sworn personnel will close with the following statement:

A COPY OF THIS REPRIMAND WILL BE PLACED IN YOUR PERSONNEL FILE. ANY FUTURE VIOLATION BY YOU OF THE CITY PERSONNEL RULES, OR DEPARTMENTAL RULES OR REGULATIONS ISSUED BY THE CHIEF OF POLICE WILL RESULT IN THE APPROPRIATE PENALTY FOR SUCH VIOLATION AND MAY RESULT IN MORE SEVERE DISCIPLINARY ACTION. A LETTER OF REPRIMAND IS NOT GRIEVABLE UNLESS PAY OR BENEFITS ARE AFFECTED.

3. Upon receiving a written reprimand, the employee will acknowledge receipt by signing the document. A copy of the letter will be given to the employee and the original will be put in the officer's personnel file.

C. Administration Leave with Pay

1. Pending an investigation of employee misconduct, including a predetermination hearing, if it is determined by the Chief of Police or his designee, that it would be in the best interest of the City for the employee not to perform his regular duties, the employee may be placed on leave of absence with pay.

D. Suspensions

If the situation warrants and for cause, the Chief of Police, in consultation with the City Administrator, may suspend without pay, measures normally considered coequal.

1. Suspensions without pay will normally apply to a period as determined by the Chief of Police or by existing City Policies which may apply.
2. If an employee shall become a candidate for suspension a second time within one year after the first suspension, the employee may be dismissed.
3. Suspensions resulting from criminal investigations may be prolonged pending court action.
 - a. In no case shall an employee convicted of a felony continue to work for the Portales Police Department.
 - b. If an employee is acquitted of criminal charges, the employee may yet be disciplined at the discretion of the Chief of Police or reinstated with full or partial back pay.
 - c. Any member suspended for a period five days or longer shall return all department-owned property to the Chief of Police through the Division Commander. On any suspension, the officer must return to the Chief his or her badge, identification card, and issued firearm.
4. During a suspension, the employee shall not undertake any official duties.
5. An employee may grieve a suspension as prescribed by the City of Portales Employee Policy.
6. The City Administrator may reinstate a suspended employee at any time, with back pay, benefits, and original rank or position.

E. Reduction in Rank

If the situation warrants and for cause, the Chief of Police, in consultation with the City Administrator, may demote an employee, measures normally considered coequal.

1. Reduction in rank may be used with other disciplinary action.
2. Demotion shall be to the next lowest rank or the rank held previous

to promotion.

3. A grievance cannot be filed for reduction in rank that does not affect pay or benefits.

F. Termination

Dismissals are made in cases of extreme misfeasance, malfeasance, or nonfeasance of duty. A complete record of the circumstances of the misbehavior shall be made by all persons having knowledge of the misbehavior.

1. Employees may protest or appeal a dismissal within the time prescribed by City Policy.
2. Whenever dismissal or suspension is contemplated, the department shall provide notice to the employee as well as written directions with regard to the appeals process.
3. At the time of the employees termination and prior to the final payment of wages the employee shall return all records, uniforms, badges, identification cards, keys and all other police department property in the employees custody.
4. A statement citing the reasons for dismissal and the effective date will be provided to the employee in writing.

VII. REPORTING ARRESTS

Any employee arrested for, charged with, or convicted of any crime, or required to appear as a defendant in any criminal or civil proceedings, must so inform the Chief of Police in writing as soon as possible. Employees do not have to report parking tickets or minor traffic offenses. Employees must report citations or arrests for reckless driving, DUI, second or more violations for speeding, or any other traffic offenses with penalties over \$100.00. Failure to notify the department of the foregoing shall be cause for punishment.

VIII. APPEAL

A. Employees who have completed their probation period have a right to appeal:

1. Upon receipt of written notification from the Chief of Police for a definite suspension, reduction in rank, and/or termination an employee will have a right to appeal in accordance with the City Grievance Procedure.

IX. MAINTENANCE OF RECORDS OF DISCIPLINARY ACTION

- A. All formal disciplinary actions must be in written form.
- B. The record of disciplinary action shall reflect where the record will be filed.
 - 1. Personnel file
 - 2. Supervisor's file
- C. All written disciplinary actions will require a statement stating the length of time that the record will remain on file.

X. DISCIPLINARY RULES

- A. Except for gross breaches of discipline, supervisors shall attempt to begin employee discipline with the least punitive measures. If these do not work, then increasingly more severe measures may be required. While this process may take some time, it is important that each employee be dealt with justly, and in a manner which clearly indicates that positive, constructive measures to change behavior or performance preceded the imposition of more negative sanctions.
- B. Employees are reminded that all appeals are governed by law, as specified under the Law Enforcement Officers' "Bill of Rights" and "Garrity."
- C. Disciplinary Rules are divided into the following classifications:

1. NEGLECT OF DUTY

Neglect of duty offenses include any act, failure to act or instance wherein an employee ignored, paid no attention to, disregarded, failed to care for, give proper attention to or carry out the duties and responsibilities of their position whether through carelessness, oversight or neglect.

- a. **Personal Appearance** - Employees shall maintain a neat, clean and proper appearance in conformance with the grooming and dress requirements in the Department's Rules and Regulations.
- b. **Identification to be Carried** – Sworn employees shall carry their badge and commission (ID Card) on their person at all times while on duty and shall not lend them to another person, or permit them to be photographed or reproduced without the approval of the Police Chief.

c. Care and Maintenance of Firearms

- i. Sworn personnel who are required to carry firearms in the performance of official duties shall maintain such firearms in a clean and serviceable condition while on duty.
- ii. Firearms carried by non-uniformed Officers shall be concealed from public view unless their badge is prominently displayed near the firearm.

d. Next of Kin, Address and Telephone Number -

Employees shall keep the Department informed of their next of kin, residential address and telephone number and must report any change within twenty-four (24) hours. The home address and telephone number shall be released only when authorized by the Police Chief or consent of the employee concerned. All supervisors and Police Officers shall be required to maintain a working telephone.

- e. Reporting for Duty -** Employees shall report for duty or remain on duty, when scheduled or assigned to work overtime, special events, or special shifts. While on duty, employees shall be mentally and physically prepared to fulfill their duties.

f. Absence from Duty without Proper Notification

- i. Employees shall report for duty in accordance with their assigned work schedules and shall not be absent from duty without their supervisor's authorization.
- ii. Employees who are unable to report for duty due to illness or other emergency shall notify their supervisor not less than one hour prior to scheduled reporting time, whenever possible.

- g. Failure to Report for Duty Due to Conduct -** Employees shall be circumspect in their private activities, and shall not subject themselves to circumstances such that they are unfit or unable to report for duty at the designated time.

- h. Tardiness -** Employees shall promptly report for duty properly prepared at the time and place required by assignments or orders.

i. Responding to a Subpoena

- i. Employees shall promptly report to the specified location at the time and date as required by civil or criminal subpoena or municipal court docket without fail.
 - ii. Employees who are unable to respond to a subpoena because of sickness, injury, or other such causes, or because of conflict with another subpoena shall notify the appropriate court and prosecutor.
- j. **Court Attire-** Employees shall wear the Department's appropriate issued uniform or proper business attire (dress pants or trousers, dress shirt and tie for males, and dress pants, blouses or sweaters for females) when answering a subpoena or appearing in court.

k. Misuse of Sick Benefits

- i. Employees shall not feign illness or injury or falsely report themselves or family members ill or injured or otherwise deceive the Department as to the conditions of their health for purposes of avoiding normal duties through use of accumulated sick leave. Performance of income producing or recreational activities while on sick leave shall be prima facie evidence of sick leave abuse.
 - ii. If an employee is absent from duty due to illness or injury for more than three consecutive work days, a medical release shall be required upon returning to work. A supervisor may require medical documentation at any time an employee has requested and has been authorized sick leave whether for themselves or for an immediate family member.
- l. **Leaving Assigned Work Area** –Employees shall remain at or in assigned work areas or District during working hours, unless otherwise authorized by a supervisor.
- m. **Horseplay or Other Distracting Activity** - Employees shall perform their duties in a conscientious manner and shall not engage in horseplay while on duty or at a Departmental or City facility or work station and shall not distract others who are performing assigned duties.
- n. **Meal or Rest Periods** – Rest periods and meal breaks may be suspended or canceled depending on workload.

Employees may be recalled to duty at any time when on break.

- o. **Inattention to Duties-** Employees shall be attentive to job duties and shall not neglect work by inattention, loafing, or sleeping while on duty. Employees shall not engage in any activity or personal business, which may cause them to neglect or be inattentive to duty.
- p. **Duty to Follow Regulations or Orders** - Employees shall adhere to all official Regulations or orders, and shall faithfully execute all the duties and responsibilities of their assigned position. Employees shall not cause another employee to refrain from their duties or responsibilities.
- q. **Submission of Reports and Documents** - Employees shall originate, complete, and submit all reports and documents required in the execution of their duties in a proper and timely fashion.
- r. **Citizens' Complaints to be Recorded** - Employees shall courteously and promptly adhere to the policy and procedures for processing citizen complaints of alleged misconduct by Department personnel.
- s. **Employees to Monitor Radio** –Employees shall monitor the appropriate radio frequency when operating a radio equipped vehicle, on or off duty and shall respond promptly to radio calls.
- t. **Badge or Identification Cards-** Employees shall immediately report the loss of a badge, ID card, or other Departmental or City equipment to a supervisor. A written report shall be made detailing the circumstances surrounding the loss.
- u. **Duty to Report Personal Injury** –Any personal injury, however slight, incurred on the job shall be reported to a supervisor immediately. Any injury or physical change potentially affecting performance of duty that is incurred off-duty shall be reported to the employee's supervisor as soon as practical.
- v. **Duty to Report Vehicle Accident** -Employees shall immediately report accidents involving City vehicles or equipment.
- w. **Duty to Act-** Employees shall take appropriate action in

response to:

- i. Emergency situations where there is a danger to the lives or property of others;
 - ii. Criminal violations. Particularly those of violent nature, which come to their attention on or off duty.
 - iii. The Statutory obligations that officers cooperate with prosecutors and bring defendants before the courts are primarily designed to protect the public by ensuring that dangerous criminals are removed from society and brought to justice. Therefore, this section is not intended to require criminal charges being filed on every case nor is it intended to require off-duty personnel to investigate or report minor infractions that come to their attention.
- x. **Search of Arrested Person** –Officers shall exercise proper care in the arrest, transportation, and detention of prisoners to prevent escape, injury to self, others, or damage to property. Upon arrest, prisoners shall be searched carefully by the arresting Officer and all weapons, contraband, or evidence shall be immediately confiscated. When a prisoner cannot be thoroughly searched before being turned over to a receiving Officer, the arresting Officer shall, without fail, notify the Officer receiving the prisoner.
- y. **Cowardice** - Employees shall perform their required duties and shall not avoid such duties because of fear, lack of courage or resoluteness. Employees are not expected to recklessly enter imminently hazardous situations however; they shall not fail to come to the aid of another member of the Department who is already engaged in a hazardous situation.

2. IMPROPER CONDUCT OFFENSES

- a. **Personal Bearing** - Employees shall maintain a professional, businesslike appearance while on duty and/or in uniform.
- b. **Courtesy** - Employees shall be civil and respectful toward each other and toward the public in general.

c. **Use of Profanity** – Employees shall not use coarse, violent, profane or insolent language or gestures and shall not express any prejudice concerning race, sex, religion, politics, national origin, life style or similar personal characteristics at any Department work place on or off duty or while representing the Department or City in any manner.

d. **Rumors and Gossip** – Employees shall not engage in or convey gossip detrimental to other employees, the general public, City, or the Department.

e. **Unauthorized Recordings** – Under no circumstances, except those involving authorized criminal investigations of Department or City Personnel or with prior Police Chief approval, will a conversation between Department or City Employees be recorded without all the parties to the conversation being aware of the fact that the conversation is being recorded.

f. **Neighborhood and Domestic Disputes or other personal conflicts-**

i. Employees shall avoid official, personal involvement in neighborhood controversies, domestic or family disputes, or other incidents where the employee's presence will create an appearance of impropriety. Employees contacted by school personnel concerning an employee's child being involved in conduct that might be construed as criminal shall function solely as a parent. Employees so contacted should advise school personnel to contact PD should they desire to report conduct to police.

ii. Such incidents shall be investigated by impartial on-duty Officers. A supervisor will be immediately notified about the conflict.

g. **Involvement in Civil Matters –**

i. Employees shall not involve themselves in civil actions or disputes of other persons nor shall they presume to adjudicate any civil dispute or give advice in civil matters beyond referring parties to the proper agency or keeping of the peace.

ii. Any employee contemplating a civil action as

plaintiff, or having been named a defendant in a civil action arising from their official duties or capacity as an employee of the City, shall immediately notify their supervisor.

iii. Employees shall notify their supervisor immediately upon being contacted by a third party soliciting the employee's testimony in a civil suit involving the City.

h. Association with Criminals –Employees shall avoid regular or continuous association or dealings with persons who they know or should know are under criminal investigation or indictments, or persons who have a criminal or immoral reputation in the Department or community, except as necessary in the performance of official duties or where unavoidable because of other personal family relationship.

i. Association with Dissident Groups- Employees shall not knowingly associate with any person or organization which advocates, or is instrumental in fostering, hatred or persecution of any person or group of persons, nor shall they knowingly associate with any person or group which advocates the overthrow of the United States Government.

j. Supplementary Employment-

i. Employees shall obtain prior written approval by the Police Chief via the chain of command before engaging in other employment, occupation, profession, or commercial enterprise.

ii. Approval to engage in supplementary employment will be reviewed annually.

iii. Approval will not be granted for supplementary employment that might interfere with official duties or employment that would tend to bring the department in disrepute.

k. Name Given upon Request -Employees, while on duty or in uniform, or when otherwise recognized as a member of the Department, shall give their name, rank or position in a respectful and courteous manner to any person requesting such identification unless engaged in covert duties.

l. Mailing Address - Employees shall not use the City or

Department or any of its facilities as a mailing address for private or personal purposes. The City or Department address shall not be used on any personal motor vehicle, boat or similar registration, operator or chauffeur's license.

- m. **Correspondence and Stationery** – All correspondence shall comply with the Department's Rules and Regulations. Employees shall not send correspondence out of the Department without the permission of the Police Chief. All official correspondence with any party outside the Department shall be prepared over the signature of, or upon the authority of the Police Chief. Employees shall not use official Department stationary except for authorized correspondence.
- n. **Wearing Uniform While Under Disciplinary Suspension**
 - Employees shall not wear an official Department uniform, or any part there of, while under disciplinary suspension except as authorized by the Division Commander.
- o. **Harassment** –
 - i. Employees shall operate in a uniform and consistent manner without regard to race, color, gender, age, religion, ancestry, sexual orientation, gender identity, marital status, national origin, physical or mental disability, cultural group or economic standing in the community.
 - ii. Employees shall conduct themselves in a courteous manner and not intentionally humiliate, embarrass, harass, coerce, or unlawfully threaten any person.
- p. **Sexual Harassment** – Employees shall not engage in conduct which is defined by the City Personnel Manual as sexual harassment.
- q. **Exposing Others to Communicable Disease** - Employees shall immediately notify a supervisor if they contract a serious communicable disease so that appropriate measures can be taken to safeguard others.
- r. **Interference in Official Investigation** - Employees shall not interfere with cases being processed by other Officers or other governmental agencies, nor undertake any investigation or other official action not part of their regular duties unless ordered to do so by a supervisor,

unless the intervening Officer reasonably believes that failure to act would result in an injustice, or the exigencies of the situation require immediate action. Such action will be immediately reported to a supervisor.

s. **Misdirected Action of Personnel Under Investigation** -

Employees against whom a complaint has been made shall not attempt directly or indirectly, by threat, appeal, persuasion, payment of money or other consideration, to secure the abandonment or withdrawal of the complaint, charges or allegations.

t. **Dissemination of Information** - Employees shall treat the official business of the Department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended and in accordance with established procedures.

u. **Communicating Criminal Information** - Employees shall maintain the security of confidential information, and shall not intentionally communicate or give law enforcement information to another which may aid a person to escape arrest, delay the apprehension of a criminal suspect, secure the removal of stolen or embezzled goods, money or other property. Employees shall not intentionally divulge the identity of criminal informants except as required by law.

v. **Exposure of Undercover Officers** - Employees shall protect the identity of Officers engaged in covert operations, and shall not intentionally expose the identity or occupation of Officers engaged in covert operations. Employees shall not recognize or greet plainclothes Officers in public unless greeted first.

w. **Political Activity** - Employees shall not engage in political activities while on duty, or off duty while in uniform, in a City or Department vehicle, or use their official position when engaged in political activities.

x. **Misrepresentation/ Controversial Opinions** - Employees shall not express opinions on religious, political, economic, or other questions of controversial nature while representing the Department, without prior knowledge and approval of the Police Chief.

y. **Testimonials** - Employees shall obtain the approval of the Police Chief before authorizing use of their names, photos,

or official titles which identify them as members of the Department in testimonials, advertisements of any commodity, or commercial enterprises.

z. Alcoholic Beverages or Controlled Substances in Department Facilities - Employees shall not possess, store, or bring into Department facilities or vehicles alcoholic beverages, controlled substances, narcotics, or hallucinogens, except in the performance of their official duties or as prescribed by a physician.

aa. Entering or Frequenting Liquor Establishments - While on duty and/or in uniform, Officers shall not enter or frequent places established primarily for sale, storage, or consumption of alcoholic beverages, or primarily for sale or display of pornographic pictures and materials, except in discharge of official duties.

bb. Use of Prescribed Drugs While On Duty - Employees shall ascertain the likely effect of prescribed drugs from the prescribing physician before reporting for duty. Employees shall obtain the approval of their supervisor before reporting for duty while taking lawfully prescribed medications likely to impair normal physical and mental faculties.

cc. Reporting for duty or on duty while intoxicated - Employees shall not report for duty or be on duty while under the influence of intoxicating liquors or drugs. Employees shall not report for duty or operate a city vehicle with the odor of alcoholic beverages upon their breath nor shall an employee report for duty having consumed alcoholic beverages within four hours prior to assignment.

dd. Unfitness for Duty Due to Alcohol or Drugs - Employees shall keep themselves fit for duty and shall not become unfit for regularly scheduled duty because of excessive use of intoxicating or alcoholic beverages or drugs to the extent normal faculties are impaired.

ee. Illegal Use or Possession of Drugs - Employees shall not engage in the illegal use or possession of illegal drugs/narcotics.

ff. Use of Tobacco –

i. Employees shall use tobacco only where expressly

permitted. Smoking and the use of tobacco is prohibited in City or Department facilities or vehicles or within 15 feet of facility windows or entrances.

- ii. Uniformed employees will not smoke, use or allow any form of tobacco to remain in their mouth while on duty in direct contact with the public. This does not preclude uniformed or non-uniformed use of tobacco in a public place so long as it is legal to do so and they exercise discretion, good judgment and prudence.

gg. **Defacing or Marring Bulletin Boards or Equipment -**

Employees shall not intentionally mark, mar, alter or deface surfaces of Department or City buildings, facilities, equipment, or any printed or written notices placed upon Department bulletin boards.

- hh. **Restricted Areas/ Equipment** –Employees shall obtain authorization from appropriate authority before using Department or City equipment not regularly assigned or before entering any locked or restricted area of the Department or City.

- ii. **Radio Transmissions** – Employees shall use radio channels for official business only. Operators shall use assigned radio designations and not refer to or call another unit or Officer by name. Employees shall avoid use of sarcasm, impertinent remarks or other transmissions more appropriately communicated by other means.

- jj. **Use and Handling of Weapons** –Employees shall use or handle weapons in a careful, safe and prudent manner on and off duty. Weapons shall be used in accordance with the law and Department Rules and Regulations.

- kk. **Handling Monies and Property** –Money or other property coming into the possession of Department personnel which does not belong to such personnel shall be delivered to the proper custodian.

- ll. **Processing Property and Evidence** –Property and evidence which has been received in connection with official duties will be promptly processed in accordance with the Rules and Regulations. Employees shall not convert to their own use, manufacture, conceal, falsify,

destroy, remove, tamper with or withhold any property or evidence held in connection with an investigation or other official action except in accordance with established procedures.

mm. Careless Handling of Equipment and Vehicles –

Employees shall utilize Department/City equipment for its intended purpose in accordance with established procedures and shall not intentionally abuse, misuse, or subject such equipment to loss or damage through careless handling.

nn. Untruthfulness - Employees shall not knowingly make false or untrue statements while acting in an official capacity except as authorized in the performance of duties and as necessary to maintain covert operations during investigation of criminal activities.

oo. Untruthfulness in an Official Proceeding - Employees shall not knowingly make false statements to a supervisor, to internal affairs investigators, to notaries, to persons taking depositions, in any court, civil or criminal, or during any other official proceeding.

pp. Falsification of Official Documents - Employees shall not knowingly falsify or knowingly cause another to falsify any official record or document.

qq. Improper Use of Official Position –Employees shall not use their official position to solicit free admission to any public event or place of amusement or to gain any other monetary and/or personal gain except in the course of official duties or as authorized by the Police Chief.

rr. Gifts and Gratuities

- i. No employee shall solicit or accept any gift, favor, entertainment, loan or any other item of monetary value from an organization, business firm or person who has or is seeking to obtain business with the Portales Police Department or from any organization, business firm or individual whose interests may be affected by the employee's performance or non-performance of official duties. This restriction is not intended to prohibit employees from obtaining loans from regular lending institutions.

- ii. Acceptance of nominal gifts in keeping with special occasions, such as marriage, retirement or illness; food and refreshments in the ordinary course of business meetings; unsolicited advertising or promotional material, e.g., pens, note pads, calendars, etc., or social courtesies which promote good public relations is permitted.
 - iii. Contributions made for flower funds or special gifts for fellow employees are not prohibited. However, participation in such activities, including contributions for even nominal gifts to supervisors, must be wholly voluntary on the part of each employee, and any gifts should be of minimal value.
- ss. **Statement of Responsibility** –Employees who become involved in personal injury or property damage accidents while on duty or while operating a Department or City vehicle shall avoid statements of liability and shall not make statements concerning the responsibility for such accidents or inform parties that the City or Department will pay for damages even though Department personnel may be at fault. Persons involved should be referred to their own insurance companies or to City’s Safety Department.
- tt. **Recommending Services** –Employees shall not recommend specific professional or business services to citizens. This prohibition includes but is not restricted to medical, legal, bonding, tow trucks, and auto repair service. Citizens inquiring for such services shall be referred to either a professional association or to the telephone directory.
- uu. **Unlawful Compensation, Bribery** –Employees shall not corruptly request, solicit, accept, or agree to accept, any pecuniary or other benefit not authorized by law for past, present, future performance, non-performance, or for any act or omissions believed to have been either within the official discretion of Department personnel, or in violation of the law.
- vv. **Reporting Violations by Employees-**
- i. Employees violating a law, rule or regulation or knowing of other employees violating a law, rule

or regulation shall promptly report the violation via their chain of command.

- ii. Employees that become a target or subject of an investigation by an outside agency shall promptly notify the Police Chief via the chain of command.

3. INSUBORDINATION OFFENSES

Insubordination shall include any act, failure to act, word, gesture or expression that is, or may be properly interpreted as, resisting or in defiance of legally constituted authority.

a. Respect Towards Superiors

- i. Employees shall display respect and shall address supervisors and superior officers by proper rank or title.
- ii. Employees shall utilize the chain of command and exhaust all avenues at each level before proceeding to the next command level.
- iii. This section is not intended to prevent employees wishing to make suggestions for the improvement of the department or who feel injured or offended by the treatment, orders, or neglect of duty of a supervisor, from communicating either verbally or in writing through proper channels to the Police Chief.
- iv. Certain matters such as those of a personal or confidential nature may be brought straight to the Police Chief. If the Police Chief deems appropriate, he may address the issue directly or he may refer the employee through the chain of command.

b. Abusiveness - Employees shall not use inappropriate language or gestures toward a supervisor or superior officer of the Department. Superior officers shall not use inappropriate language or gestures toward subordinates.

c. Prompt Compliance With Lawful Order –

- i. Employees shall promptly execute the lawful orders and/or instructions of a supervisor or superior officer of the Department and shall not delay or fail

to carry out such orders or instructions.

- ii. Employees that are given an order which is in conflict with a previous order shall respectfully inform superior of previous conflicting order. If superior issuing the order does not alter or retract the conflicting order, the order will stand.

d. **Compliance With Direct Order of a Superior or Competent Authority** –Employees shall comply with the direct orders or instructions given by a supervisor or superior officer and shall not refuse to comply when such orders or instructions that are lawful and proper. This includes orders relayed from a superior by personnel of the same or lesser rank.

e. **Criticism of Orders or Policies** –Employees shall not openly criticize or ridicule the City or Department, its policies, orders or personnel in speech, writing or by other expression where such interferes with the maintenance of discipline or otherwise undermines the effectiveness of the Department or City.

4. UNLAWFUL CONDUCT

Disciplinary measures resulting from unlawful conduct may be imposed independently of, and concurrent with, civil and criminal prosecutions. Disciplinary measures may be waived pending civil or criminal disposition in accordance with these regulations and any employee contract. The administration of internal disciplinary measures from unlawful conduct will depend upon individual case circumstances, and will be determined by the Police Chief.

a. **Non-Criminal Violations**- Department personnel shall adhere to all federal, state and local laws and ordinances including those punishable by no other penalty than a fine, forfeiture or other civil penalty. (Includes but is not limited to traffic infractions.)

b. **Criminal Violations**- Department personnel shall adhere to all federal, state and local laws, whether chargeable or not, which brings discredit upon the Department or otherwise impairs the operation and efficiency of the Department and/or which is likely to impair the ability of personnel to perform assigned duties.

5. JOB KNOWLEDGE AND PERFORMANCE

- a. **General Proficiency** - Department personnel are required to maintain the job knowledge, skills and abilities required for the performance of the duties and responsibilities. Failure to maintain required skills, knowledge and abilities within acceptable levels shall result in counseling, instruction, training, and/or discipline.
- b. **Knowledge of Rules and Regulations** - Department personnel are required to possess a sound working knowledge of the Rules and Regulations. Frequent or repeated violations of these Rules and Regulations shall be deemed as indicative of careless disregard, by the employee and may be cause for discipline up to and including dismissal.